

COUNTY OF ERIE

LOCAL LAW INTRO NO. 5 – 2004 (Print 2)

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LOCAL LAW NO. 4 - 2004

A LOCAL LAW establishing a probation investigation fee under the authority of Section 252-a of the Family Court Act in custody and visitation proceedings.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1.

Pursuant to Section 252-a of the Family Court Act, the Erie County Department of Probation and Youth Detention Services, when ordered by the courts to conduct an investigation pursuant to section 653 of the Family Court Act, is authorized to charge and is entitled to receive a fee of not less than fifty (\$50) dollars and not more than five hundred (\$500) dollars from the parties in the proceeding to help reimburse the cost of the investigation conducted by the department.

Section 2.

Such fee shall be based on the party's ability to pay the fee and the schedule for payment shall be fixed by the court issuing the order for investigation, pursuant to the guidelines issued by the director of the division of probation and correctional alternatives, and may in the discretion of the court be waived when the parties lack sufficient means to pay the fee. The court shall apportion the fee between the parties based upon the respective financial circumstances of the parties and the equities of the case.

Section 3.

In the event of non-payment of the investigation fee, the County may seek to enforce payment in any manner permitted by law for the enforcement of a debt.

Section 4.

Fees collected pursuant to this Local Law shall be paid directly to the Erie County Department of Probation and Youth Detention Services to be retained and

utilized for probation department services and staffing, and shall not be considered by the division of probation and correctional alternatives when determining state aid reimbursement pursuant to Section 246 of the Executive Law.

Section 5.

This Local Law shall take effect immediately upon its filing with the Secretary of State, in accordance with Section 27 of the Municipal Home Rule Law.

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